

the phrases “ground beef regular without added seasonings, ground beef about 17% fat,” and “ground pork”, effective Jan. 1, 2012. At 76 FR 76890, Dec. 9, 2011, the effectiveness was delayed until Mar. 1, 2012.

**§317.345 Guidelines for voluntary nutrition labeling of single-ingredient, raw products.**

(a) Nutrition information on the cuts of single-ingredient, raw meat products, including those that have been previously frozen, shall be provided in the following manner:

(1) If a retailer or manufacturer chooses to provide nutrition information on the label of these products, these products shall be subject to all requirements of the mandatory nutrition labeling program, except that nutrition labeling may be declared on the basis of either “as consumed” or “as packaged.” In addition, the declaration of the number of servings per container need not be included in nutrition labeling of single-ingredient, raw meat products (including ground beef), including those that have been previously frozen.

(2) A retailer may choose to provide nutrition information at the point-of-purchase, such as by posting a sign, or by making the information readily available in brochures, notebooks, or leaflet form in close proximity to the food. The nutrition labeling information may also be supplemented by a video, live demonstration, or other media. If a nutrition claim is made on point-of-purchase materials all of the requirements of the mandatory nutrition labeling program apply. However, if only nutrition information—and not a nutrition claim—is supplied on point-of-purchase materials:

(i) The requirements of the mandatory nutrition labeling program apply, but the nutrition information may be supplied on an “as packaged” or “as consumed,” basis;

(ii) The listing of percent of Daily Value for the nutrients (except vitamins and minerals specified in §317.309(c)(8)) and footnote required by §317.309(d)(9) may be omitted; and

(iii) The point-of-purchase materials are not subject to any of the format requirements.

(b) [Reserved]

(c) The declaration of nutrition information may be presented in a simplified format as specified in §317.309(f) for the mandatory nutrition labeling program.

(d) The nutrition label data should be based on either the raw or cooked edible portions of meat cuts with external cover fat at trim levels reflecting current marketing practices. If data are based on cooked portions, the methods used to cook the products must be specified and should be those which do not add nutrients from other ingredients such as flour, breading, and salt. Additional nutritional data may be presented on an optional basis for the raw or cooked edible portions of the separable lean of meat cuts.

(e) Nutrient data that are the most current representative data base values contained in USDA’s National Nutrient Data Bank or its published form, the Agriculture Handbook No. 8 series, may be used for nutrition labeling of single-ingredient, raw meat products (including ground beef), including those that have been previously frozen. These data may be composite data that reflect different quality grades of beef or other variables affecting nutrient content. Alternatively, data that reflect specific grades or other variables may be used, except that if data are used on labels attached to a product which is labeled as to grade of meat or other variables, the data must represent the product in the package when such data are contained in the representative data base. When data are used on labels attached to a product, the data must represent the edible meat tissues present in the package.

(f) If the nutrition information is in accordance with paragraph (e) of this section, a nutrition label or labeling will not be subject to the Agency compliance review under §317.309(h), unless a nutrition claim is made on the basis of the representative data base values.

(g) Retailers may use data bases that they believe reflect the nutrient content of single-ingredient, raw meat products (including ground beef), including those that have been previously frozen; however, such labeling shall be subject to the compliance procedures of paragraph (e) of this section and the requirements specified in this

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subpart for the mandatory nutrition labeling program.

[58 FR 664, Jan. 6, 1993, as amended at 58 FR 47627, Sept. 10, 1993; 60 FR 189, Jan. 3, 1995]

EFFECTIVE DATE NOTE: At 75 FR 82165, Dec. 29, 2010, §317.345 was amended as follows, effective Jan. 1, 2012. At 76 FR 76890, Dec. 9, 2011, the effectiveness was delayed until Mar. 1, 2012.

a. Revise the section heading and paragraphs (a) and (c);

b. Amend paragraph (d) by removing “should” and adding, in its place, “for products covered in paragraphs (a)(1) and (a)(2) must”;

c. Amend paragraph (e) by removing “its published form, the Agriculture Handbook No. 8 series” and by adding, in its place, “its released form, the USDA National Nutrient Database for Standard Reference”, and by removing “(including ground beef)”;

d. Amend paragraph (f) by adding “provided” after “nutrition information is”;

e. Amend paragraph (g) by removing the phrase “(including ground beef)”.

For the convenience of the user, the revised text is set forth as follows:

### § 317.345 Nutrition labeling of single-ingredient, raw meat products that are not ground or chopped products described in § 317.301.

(a)(1) Nutrition information on the major cuts of single-ingredient, raw meat products identified in §317.344, including those that have been previously frozen, is required, either on their label or at their point-of-purchase, unless exempted under §317.400. If nutrition information is presented on the label, it must be provided in accordance with §317.309. If nutrition information is presented at the point-of-purchase, it must be provided in accordance with the provisions of this section.

(2) Nutrition information on single-ingredient, raw meat products that are not ground or chopped meat products described in §317.301 and are not major cuts of single-ingredient, raw meat products identified in §317.344, including those that have been previously frozen, may be provided at their point-of-purchase in accordance with the provisions of this section or on their label, in accordance with the provisions of §317.309.

(3) A retailer may provide nutrition information at the point-of-purchase by various methods, such as by posting a sign or by making the information readily available in brochures, notebooks, or leaflet form in close proximity to the food. The nutrition labeling information may also be supplemented by a video, live demonstration, or other media. If a nutrition claim is made on point-of-purchase materials, all of the format and content requirements of §317.309 apply. However, if only nutrition informa-

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tion—and not a nutrition claim—is supplied on point-of-purchase materials, the requirements of §317.309 apply, provided, however:

(i) The listing of percent of Daily Value for the nutrients (except vitamins and minerals specified in §317.309(c)(8)) and footnote required by §317.309(d)(9) may be omitted; and

(ii) The point-of-purchase materials are not subject to any of the format requirements.

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(c) For the point-of-purchase materials, the declaration of nutrition information may be presented in a simplified format as specified in §317.309(f).

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### §§ 317.346–317.353 [Reserved]

### § 317.354 Nutrient content claims for “good source,” “high,” and “more.”

(a) *General requirements.* Except as provided in paragraph (e) of this section, a claim about the level of a nutrient in a product in relation to the Reference Daily Intake (RDI) or Daily Reference Value (DRV) established for that nutrient (excluding total carbohydrate) in §317.309(c), may only be made on the label or in labeling of the product if:

(1) The claim uses one of the terms defined in this section in accordance with the definition for that term;

(2) The claim is made in accordance with the general requirements for nutrient content claims in §317.313; and

(3) The product for which the claim is made is labeled in accordance with §317.309.

(b) *“High” claims.* (1) The terms “high,” “rich in,” or “excellent source of” may be used on the label or in labeling of products, except meal-type products as defined in §317.313(l), and main-dish products as defined in §317.313(m) provided that the product contains 20 percent or more of the RDI or the DRV per reference amount customarily consumed.

(2) The terms defined in paragraph (b)(1) of this section may be used on the label or in labeling of a meal-type product as defined in §317.313(l), and main-dish product as defined in §317.313(m) provided that: